

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE: BRIAN KEITH FITZGERALD
AMANDA DAWN FITZGERALD
Debtors

Case No. 08-51104
Chapter 7

DEBTORS' MOTION TO REOPEN CASE

COMES NOW, Debtors, by counsel, and pursuant to Rule 5010 of the Bankruptcy Rules and pursuant to 11 U.S.C. § 350(b) in order to accord relief to the Debtors and in support thereof states as follows:

1. The Debtors filed bankruptcy pursuant to chapter 7 of the Bankruptcy Code on October 21, 2008, and received a discharge pursuant to 11 U.S.C. § 727 on January 21, 2009.

2. Among the debts listed in the Debtors' petition was an unsecured debt owed to Augusta Medical Center.

3. Augusta Medical Center obtained a judgment in the amount of \$5,580.11 against the Debtor, Brian Fitzgerald in the Augusta County General District Court on August 25, 2008.

4. Said judgment was docketed in the Augusta County Circuit Court Clerk's Office on October 6, 2008, thereby creating a judgment lien on Debtor Brian Fitzgerald's real estate.

5. The existence of Augusta Medical Center's judgment lien on Debtor's real property impairs exemption to which the Debtors would be entitled under 11 U.S.C. § 522(b) and may be avoided.

6. The Debtors have prepared a motion to avoid Augusta Medical Center's judgment lien and will file said motions with the court upon the reopening of this case.

WHEREFORE, the Debtor respectfully requests the Court enter an order reopening this case so that Debtors may file a motion to avoid the judgment lien of Augusta Medical Center and for such further relief as may be proper and just.

Respectfully submitted,
Brian and Amanda Fitzgerald
By Counsel

/s/ Paul A. Dryer
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